

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:16-MC-18-D

)  
WILLIAMSON FARM, )  
                          )  
                          )  
Petitioner,           )  
                          )  
                          )  
vs.                    )  
                          )  
DIVERSIFIED CROP INSURANCE )  
SERVICES a/k/a CGB DIVERSIFIED )  
SERVICES, INC.         )  
                          )  
                          )  
Respondent            )  
                          )  
                          )

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**WILLIAMSON FARM'S MEMORANDUM IN SUPPORT OF MOTION TO STRIKE  
RESPONDENT'S REPLY TO PETITIONER'S RESPONSE TO MOTION TO VACATE**

**NOW COMES** Petitioner, by and through its undersigned counsel of record, and respectfully submits this Memorandum in support of its Motion to Strike Respondent's Reply to Petitioner's Response to Respondent's Motion to Vacate pursuant to the Local Rules and the Federal Rules of Civil Procedure.

**NATURE OF THE CASE**

This matter is before the Court on Petitioner's Motion to Confirm Arbitration Award and Respondent's Motion to Vacate Arbitration Award.

**STATEMENT OF FACTS**

Respondent filed a Motion to Vacate on June 29, 2016. [Doc. 11] Petitioner timely filed a Response to the Motion to Vacate on July 20, 2016 ("Response"). [Doc. 14] Respondent filed a Reply to Petitioner's Response at 11:57 p.m. on August 3, 2016. [Doc. 15]

## **ARGUMENT**

Pursuant to the Local Rules, and specifically Rule 7.1(f) Respondent's Reply was due on August 2, 2016, or fourteen (14) days after service of the Response. Respondent filed a Reply to Petitioner's Response at 11:57 p.m. on August 3, 2016 which is late. While a mistake on one deadline can be explained, Petitioner has made a habit of ignoring the Arbitrator's rulings and the rules of this Court which include but is not limited to:

- i. Failing to timely pay the arbitrator's fee; (attached emails as Exhibit A to Motion to Strike)
- ii. Showing up late to the Arbitration proceedings;
- iii. Failing to timely answer discovery requests in the Arbitration as indicated by the Arbitrator's rulings; (attached Order of the Arbitrator as Exhibit B to Motion to Strike)

## **CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that Respondent's Reply Brief be stricken and for such other relief as the Court deems just and proper under the circumstances.

This the 4th day of August, 2016.

**STUBBS & PERDUE, P.A.**  
*COUNSEL FOR PETITIONER*

*/s/*Matthew W. Buckmiller  
TRAWICK H. STUBBS  
N.C. State Bar No. 4221  
[tstubbs@stubbssperdue.com](mailto:tstubbs@stubbssperdue.com)  
MATTHEW W. BUCKMILLER  
N.C. State Bar No. 35194  
[mbuckmiller@stubbssperdue.com](mailto:mbuckmiller@stubbssperdue.com)  
9208 Falls of Neuse Road, Suite 201  
Raleigh, North Carolina 27615  
Telephone: (919) 870-6258  
Facsimile: (919) 870-6259

**CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2016 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: R. JEFFERSON ALLEN and DEREK M. CRUMP.

**STUBBS & PERDUE, P.A.**  
*COUNSEL FOR PETITIONER*

*/s/*Matthew W. Buckmiller  
TRAWICK H. STUBBS  
N.C. State Bar No. 4221  
[tstubbs@stubbsperdue.com](mailto:tstubbs@stubbsperdue.com)  
MATTHEW W. BUCKMILLER  
N.C. State Bar No. 35194  
[mbuckmiller@stubbsperdue.com](mailto:mbuckmiller@stubbsperdue.com)  
9208 Falls of Neuse Road, Suite 201  
Raleigh, North Carolina 27615  
Telephone: (919) 870-6258  
Facsimile: (919) 870-6259